

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

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**CAF 15-00576**

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

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IN THE MATTER OF THE ADOPTION OF HALY S.W.  
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WAYNE J.W. AND AMANDA M.W.,  
PETITIONERS-RESPONDENTS;

MEMORANDUM AND ORDER

MATTHEW C., RESPONDENT-APPELLANT,  
AND ONEIDA COUNTY DEPARTMENT OF SOCIAL  
SERVICES, RESPONDENT-RESPONDENT.

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JOHN J. RASPANTE, UTICA, FOR RESPONDENT-APPELLANT.

KOSLOSKY & KOSLOSKY, UTICA (WILLIAM L. KOSLOSKY OF COUNSEL), FOR  
PETITIONERS-RESPONDENTS.

JOHN P. AMUSO, ATTORNEY FOR THE CHILD, CLINTON.

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Appeal from an order of the Family Court, Oneida County (Louis P. Gigliotti, A.J.), entered March 17, 2015. The order, among other things, adjudged that the best interests of the subject child will be promoted by the adoption of the child by petitioners.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Memorandum: In this adoption proceeding, Matthew C. (respondent), a biological father entitled to notice of the adoption, appeals from an order determining that the best interests of the subject child will be promoted by her adoption by petitioners, the child's foster parents. Preliminarily, we note that, contrary to respondent's contention, the gaps in the hearing transcript attributable to inaudible portions of the audio recording are not so significant as to preclude our review of the order on appeal (see *Matter of Van Court v Wadsworth*, 122 AD3d 1339, 1340, lv denied 24 NY3d 916). Contrary to respondent's further contention, Family Court's bench decision adequately sets forth the grounds for its determination (see *Matter of Jose L. I.*, 46 NY2d 1024, 1025-1026; *Matter of Zarhianna K. [Frank K.]*, 133 AD3d 1368, 1369; cf. *Matter of Rocco v Rocco*, 78 AD3d 1670, 1671). In any event, the record is sufficient to permit us to make our own findings (see *Matter of Dubuque v Bremiller*, 79 AD3d 1743, 1744), and we conclude that the court's determination that adoption by petitioners is in the child's best interests is supported by a preponderance of the evidence (see *Matter of Sjuqwan Anthony Zion Perry M. [Charnise Antonia M.]*, 111 AD3d 473, 474, lv denied 22 NY3d 864; see generally *Matter of Star*

*Leslie W.*, 63 NY2d 136, 147-148).

Entered: July 1, 2016

Frances E. Cafarell  
Clerk of the Court